

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DOMINICK OCHELLO,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:24-CV-00203-
v.	§	SDJ-AGD
	§	
RED LEG OUTFITTERS, LLC	§	
	§	
Defendant.	§	

**MEMORANDUM ADOPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**


Before the Court is the Report and Recommendation (“Report”) of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The Report, (Dkt. #23), recommends that Defendant Red Leg Outfitters, LLC's Motion to Dismiss Plaintiff's Premises Liability Cause of Action, (Dkt. #9), be denied as moot and that its First Amended Motion to Dismiss Plaintiff's Premises Liability Cause of Action, (Dkt. #12), be denied. No Party filed an objection to the Report.

Having received the Report of the Magistrate Judge and all other relevant filings, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Red Leg Outfitters, LLC's Motion to Dismiss Plaintiff's Premises Liability Cause of Action, (Dkt. #9), is **DENIED as**

**moot.** It is finally **ORDERED** that Defendant Red Leg Outfitters, LLC's First Amended Motion to Dismiss Plaintiff's Premises Liability Cause of Action, (Dkt. #12), is **DENIED**.

**So ORDERED and SIGNED this 27th day of March, 2025.**

  
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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE